

## Update: Adoption Proceedings Benchbook

### CHAPTER 2

#### Freeing a Child for Adoption

##### 2.12 Termination Pursuant to the Adoption Code

###### B. Putative Father's Identity or Whereabouts Are Unknown

Effective May 1, 2006, MCR 3.802(B)(1) was amended to reflect the May 2002 amendment to MCR 3.802(A)(2) that eliminated sub-subrules (a) and (b). On page 51, in the first sentence of the quotation of MCR 3.802(B)(1), change “subrule (A)(2)(a)” to “subrule (A)(2)” and delete the corresponding sidenote.

The rule amendment did not correct the reference to “subrule (A)(2)(a)” contained in MCR 3.802(B)(2)(a), quoted on page 51.

## CHAPTER 3

### Identifying the Father

#### 3.4 Hearing to Identify the Father Pursuant to the Adoption Code

##### A. Notice

Effective May 1, 2006, MCR 3.802(B)(1) was amended to reflect the May 2002 amendment to MCR 3.802(A)(2) that eliminated sub-subrules (a) and (b). On page 86, in the first sentence of the quotation of MCR 3.802(B)(1), change “subrule (A)(2)(a)” to “subrule (A)(2)” and delete the corresponding sidenote.

The rule amendment did not correct the reference to “subrule (A)(2)(a)” contained in MCR 3.802(B)(2)(a), quoted on page 86.

## CHAPTER 3

### Identifying the Father

#### 3.7 Acknowledgment of Parentage

##### A. The Acknowledgment

Effective April 7, 2006, 2006 PA 105 amended MCL 722.1007. Beginning at the bottom of page 93 and continuing on page 94, replace the quotation of MCL 722.1007 with the following text:

“The acknowledgment of parentage form shall include at least all of the following written notices to the parties:

(a) The acknowledgment of parentage is a legal document.

(b) Completion of the acknowledgment is voluntary.

(c) The mother has initial custody of the child, without prejudice to the determination of either parent’s custodial rights, until otherwise determined by the court or agreed by the parties in writing and acknowledged by the court. This grant of initial custody to the mother shall not, by itself, affect the rights of either parent in a proceeding to seek a court order for custody or parenting time.

(d) Either parent may assert a claim in court for parenting time or custody.

(e) The parents have a right to notice and a hearing regarding the adoption of the child.

(f) Both parents have the responsibility to support the child and to comply with a court or administrative order for the child’s support.

(g) Notice that signing the acknowledgment waives the following:

(i) Blood or genetic tests to determine if the man is the biological father of the child.

(ii) Any right to an attorney, including the prosecuting attorney or an attorney appointed by the court in the case of indigency, to represent either party in a court action to determine if the man is the biological father of the child.

(iii) A trial to determine if the man is the biological father of the child.

(h) That in order to revoke an acknowledgement of parentage, an individual must file a claim as provided under section 11.”

### **C. Determining Custody**

Effective April 7, 2006, 2006 PA 105 amended MCL 722.1006 to eliminate the presumption of custody that arose once a mother and father signed an acknowledgment of parentage form. In the middle of page 95, change the title to the subsection as indicated above and replace the text of subsection (C) in its entirety with the following text:

“After a mother and father sign an acknowledgment of parentage, the mother has initial custody of the minor child, without prejudice to the determination of either parent’s custodial rights, until otherwise determined by the court or otherwise agreed upon by the parties in writing and acknowledged by the court. This grant of initial custody to the mother shall not, by itself, affect the rights of either parent in a proceeding to seek a court order for custody or parenting time.” MCL 722.1006.